

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

RON VEATCH
REG. #11079-008

PETITIONER

V.

NO. 2:05CV00036 GH/JWC

LINDA SANDERS, Warden,
FCI, Forrest City, AR

RESPONDENT

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition received from Magistrate Judge Jerry Cavaneau and the objections filed in response, and has further reviewed the relevant record de novo. The Findings and Recommendations are adopted in their entirety as this Court's findings.

Accordingly,

1. Petitioner's 28 U.S.C. § 2241 federal habeas corpus claims seeking immediate release from prison, reversal of incident reports and restoration of good-time are dismissed summarily due to lack of personal jurisdiction over Petitioner's current custodian.

2. Petitioner's remaining claims shall be construed as Bivens claims, and the Clerk of the Court is directed to re-designate this case (No. 2:05CV00036) as a "555" conditions of confinement case, and to show case referral to Magistrate Judge Jerry W. Cavaneau.

3. Petitioner's Bivens claims seeking injunctive relief are dismissed summarily as moot due to his transfer to FMC-Devens.

4. The Clerk of the Court is directed to forward an in forma pauperis application and calculation sheet to Petitioner at his new address.

5. Petitioner is advised that, if he wishes to proceed with his remaining Bivens claims for monetary damages due to the conditions of confinement while he was incarcerated at FCI-Forrest City, he must submit either the \$250.00 statutory filing fee OR complete and sign the in forma pauperis application. An authorized official of the facility where he is incarcerated is directed, at Petitioner's request, to complete and sign the certificate portion of his in forma pauperis application, **along with the required calculation sheet.**

6. Petitioner is directed to submit either the \$250.00 statutory filing fee OR file the completed in forma pauperis application within thirty (30) days of the date of this order.

7. Service is NOT appropriate for Respondent at this time.

8. Petitioner's pending motions regarding the \$5.00 filing fee (docket entries #5, #6) are denied as moot.

9. **Petitioner is advised that his failure to make a timely and complete response to the Court's order will result in the recommended dismissal of his case without prejudice.**

IT IS SO ORDERED this 20 day of July, 2005.


UNITED STATES DISTRICT JUDGE